

**RECEIVED
CENTRAL FAX CENTER**

FEB 13 2004

OFFICIAL

I hereby certify that this correspondence is being
faxed to 1 703 872-9308:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on February 13, 2004

By *Lata Olivier*
Lata Olivier

PATENT

Attorney Docket No. 002558-060520US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Kenneth James Pettipiece

Application No.: 09/536,932

Filed: 03/27/2000

For: SPECTRAL IMAGING APPARATUS
AND METHODOLOGY

Examiner: Lew, Hwa S.

Art Unit: 2877

APPELLANT'S REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer, applicant wishes to discuss the following:

In an amendment filed August 26, 2002, applicant intended to amend claim 12 so that it recited "wherein said polarizing beam splitter substantially reflects a first preferred polarization and substantially transmits a second preferred polarization." This is supported by the remarks. Unfortunately, in both the amendment section and the "version to show changes made," the amendments were unfortunately not consistent. Thus, the Examiner is correct that claim 12 and presently standing and as presently examined recites "... polarizing beam splitters substantially reflects a first polarization and substantially transmits a second preferred polarization." Appellant wished for claim 12 to recite "...polarizing beam splitter

Kenneth James Pettipiece
Application No.: 09/536,932
Page 2

substantially reflects a first preferred polarization and substantially transmits a second preferred polarization."

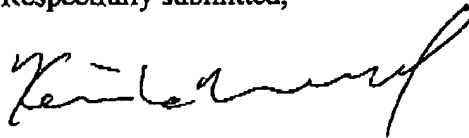
It is respectfully submitted that none of the cited references disclose a spectral imaging system configured to provide an image of a sample that comprises, among other things, one polarizing beam splitter that substantially reflects a first preferred polarization and substantially transmits a second preferred polarization.

CONCLUSION

In view of the foregoing remarks, Appellants respectfully request that the obviousness rejection as to all the pending claims be reversed.

Please deduct the requisite fee, pursuant to 37 CFR § 1.17(c), of \$320 from deposit account 20-1430 and any additional fees associated with this Brief. This Brief is submitted in triplicate.

Respectfully submitted,



Kevin T. LeMond
Reg. No. 35,933

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200
Fax (415) 576-0300
KTL/lo

Atty Docket No. 002558-060520US

PTO FAX NO.: 1 703 872-9306

ATTENTION: Examiner H. Lee
TELEPHONE NO.:

Group Art Unit 2877

RECEIVED
CENTRAL FAX CENTER

FEB 13 2004

OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER H. Lee

OFFICIAL

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document(s) in re Application of Kenneth James Pettipiece and William Bradshaw Amos, Application No. 09/536,932, filed March 27, 2000 for SPECTRAL IMAGING APPARATUS AND METHODOLOGY is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Appellant's Reply Brief

Number of pages being transmitted, including this page: 3

Dated: 2/13/04



Lata Olivier

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 415-576-0200
Fax: 415-576-0300
60141865 v1